

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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|--|---|--------------------------------------|
| JOHN DALE PREACHER, |) | |
| |) | |
| Plaintiff, |) | Civil Action No.19-1207 |
| |) | |
| v. |) | Judge Cathy Bissoon |
| |) | |
| CORRECT CARE SERVICES, <i>et al.</i> , |) | Magistrate Judge Richard A. Lanzillo |
| |) | |
| Defendants. |) | |

MEMORANDUM ORDER

This case has been referred to United States Magistrate Judge Richard A. Lanzillo for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On October 3, 2019 Plaintiff John Dale Preacher (“Plaintiff”) filed a Motion to Appoint Counsel, (hereinafter “Plaintiff’s Motion,” Doc. 8). In his Motion, Plaintiff asserts counsel should be appointed because he cannot afford counsel, the case is legally and factually complex, he has limited time in the law library, his writing hand is compromised and he does not have access to a typewriter, and expert testimony will be required. (Id.)

On November13, 2019, Magistrate Judge Lanzillo issued an Order denying Plaintiff’s Motion , (hereinafter “Order,” Doc. 13.) Applying the factors discussed in Tabron v. Grace, 6 F.3d 147 (3d Cir. 1993), Magistrate Judge Lanzillo determined that to this point, Plaintiff has actively litigated his claims and demonstrated a basic knowledge of the law, that his handwriting is neat and easy to read, that the legal issues are not sufficiently complex, and that the factual investigation underlying Plaintiff’s claims appears to be straightforward. Thus, at this juncture,

Magistrate Judge Lanzillo determined Plaintiff's request for appointment of counsel should be denied without prejudice.

Plaintiff filed timely Objections which were docketed on November 18, 2019, (hereinafter "Objections," Doc. 19). In his Objections, Plaintiff reiterates his arguments regarding his hand, his limited access to the law library, the need for experts, and the complexity of the case. Plaintiff also states counsel should be appointed because Defendants have prevented his legal filings from being received by the Court and docketed.¹

After a review of Plaintiff's Motion, the Order, Plaintiff's Objections and the relevant documents in this case, the undersigned does not find any aspect of the Order denying Plaintiff's Motion to Appoint Counsel to be clearly erroneous or contrary to law. Accordingly, it hereby is ORDERED that Plaintiff's Objections are OVERRULED.

IT IS SO ORDERED.

November 26, 2019

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via First-Class U.S. Mail):

John Dale Preacher
HU-7994
SCI Greene
175 Progress Drive
Waynesburg, PA 15970

¹ As far as the Court can tell, the documents that he mentions have all been received by the Clerk and docketed in this case. (Docs. 15-18.)